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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 DOUGLAS BRONZIE,

13 Plaintiff,

14 v.

15 SWIFT TRANSPORTATION CO. OF
16 ARIZONA, LLC; MIGUEL CALDERON;
17 JOHN DOES I-XX, inclusive; ABC
18 CORPORATIONS I-X, inclusive; and
BLACK AND WHITE COMPANIES, I-X,
inclusive,

19 Defendant.

Case No. 3:21-cv-00299-WGC

**STIPULATION AND ORDER
REGARDING INDEPENDENT MEDICAL
EXAMINATION OF PLAINTIFF BY
JAMES R. RAPPAPORT, M.D.**

Trial Date: None Set

20
21 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, DOUGLAS
22 BRONZIE, by and through his attorneys of record, Julie McGrath Throop, Esq. and Terry A.
23 Friedman, Esq. of Terry A. Friedman and Julie Throop, PLLC, and Defendants, SWIFT
24 TRANSPORTATION CO. OF ARIZONA, LLC and MIGUEL CALDERON, by and through their
25 attorneys of record, Joel D. Odou, Esq., Analise N. M. Tilton, Esq. and Eleanor D. Murphy, Esq., of
26 the law firm of WOOD, SMITH, HENNING & BERMAN LLP, to the terms of the Independent
27 Medical Examination (hereinafter "examination") as follows:
28

1 1. The examination of Plaintiff shall be conducted by James R. Rappaport, M.D. (“Rule
2 35 medical examiner”) on February 10, 2022 at 1:30 p.m. No other physician, surgeon, or
3 chiropractor shall be present during the examination. If necessary, the Rule 35 medical examiner
4 may utilize members of his/her staff to assist during the examination;

5 2. Plaintiff will arrive at 1 p.m., and will not be made to wait in the doctor’s
6 waiting room for the examination to begin for more than 45 minutes. However, should Plaintiff be
7 made to wait more than 45 minutes, Plaintiff’s counsel will contact Defendants’ counsel so that
8 Defendants’ counsel can make a good faith effort to remedy the issue regarding Plaintiff’s extended
9 wait time;

10 3. The examination shall be conducted in at Sierra Regional Spine Institute located at 6630
11 S. McCarran Blvd., #A4, Reno Nevada 89509.
12

13 4. No CT scans or MRIs shall be performed on the Plaintiff in the course of the
14 examination, nor shall any medical treatment be rendered to the Plaintiff by the Rule 35 medical
15 examiner;
16

17 5. Any paperwork or forms that Defendants (or the Rule 35 medical examiner) required
18 for the examination shall be submitted to Plaintiff’s counsel for review no later than one week prior
19 to the examination and Plaintiff shall have the opportunity to provide supplemental information to the
20 Rule 35 medical examiner prior to the examination;
21

22 6. The Rule 35 medical examiner shall be provided with a copy of these terms and
23 conditions prior to the examination;

24 7. Defendants will timely produce their Rule 35 medical examiner's expert report, if
25 Defendants request the same to be prepared, pursuant to the operative discovery deadlines;

26 8. Neither defense counsel or Plaintiff’s counsel, nor anyone from the defense counsel’s
27 office or Plaintiff counsel’s office, may attend the examination; and

28 9. The examining physician shall not engage in *ex parte* contact with Plaintiff’s treating

1 health care providers, with regard to the Plaintiff.

2 10. The Rule 35 medical examiner will retain all handwritten notes, e-mails sent and
3 received, invoices, communications and all documents generated or received, including draft
4 reports, related to the examination.

5 11. If a report is requested by Defendants, the examiner will accurately report his/her
6 findings and test results.

7 12. Liability questions may not be asked by the examining physician or any agent or
8 representative of the examining physician.

9 13. A videographer, court reporter or recording device will not be permitted during the
10 independent medical examination.

11 14. The Rule 35 medical examiner's report, if one is requested by Defendants, will list
12 all tests, exams, other materials (radiographs, test results, other physician reports) that are used by
13 the examiner to form the examiner's opinions and conclusions.

14 Dated: this 20th day of December, 2021

Dated: this 20th day of December, 2021

15 TERRY A. FRIEDMAN
16 AND JULIE THROOP, PLLC

WOOD SMITH HENNING & BERMAN LLP

17 /s/ *Julie McGrath Throop*

/s/ *Eleanor D. Murphy*

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Co. of Arizona, LLC and Miguel Calderon

Case Name: Bronzie v. Swift Corporation Co. of Arizona, LLC et al.
Case No.: 3:21-cv-00299-WGC

ORDER

Pursuant to the above Stipulation, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows: The Independent Medical Examination (“examination”) of Plaintiff shall be conducted by James R. Rappaport, M.D. of Sierra Regional Spine Institute located at 6630 S. McCarran Blvd., #A4, Reno Nevada 89509 (“Rule 35 medical examiner”) on February 10, 2022 at 1:30 p.m. in accordance with the terms of the above Stipulation.

IT IS HEREBY ORDERED this 21st day of December, 2021

William G. Cobb

MAGISTRATE JUDGE

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